

REMARKS

The Examiner rejected claims 1 – 39 under 35 U.S.C. § 101. In that regard, the Examiner stated:

“The claimed invention does not provide a practical application that entails transforming an article or physical object to a different state or thing. In addition, the claimed invention does not produce a useful, concrete, and tangible result.”

According to MPEP Section 2106(IV)(B)(1):

“When functional descriptive material is recorded on some computer-readable medium it becomes structurally and functionally interrelated to the medium and will be statutory in most cases since use of technology permits the function of the descriptive material to be realized. Compare *In re Lowry*, 32 F.3d 1579, 1583-84, 32 USPQ2d 1031, 1035 (Fed. Cir. 1994) (claim to data structure stored on a computer readable medium that increases computer efficiency held statutory) and *Warmerdam*, 33 F.3d at 1360-61, 31 USPQ2d at 1759 (claim to computer having a specific data structure stored in memory held statutory product-by-process claim) with *Warmerdam*, 33 F.3d at 1361, 31 USPQ2d at 1760 (claim to a data structure per se held nonstatutory).”

Applicant has amended independent claims 1, 14 and 27, so that the claims are directed to:

“a program storage device storing a computer program, the computer program for execution by a computer system having a processor and a memory.”

Applicant believes that independent claims 1, 14, and 27, as amended, are directed to functional descriptive material that is recorded on a computer-readable medium and that enables claimed functions to be realized. Thus, Applicant believes that all pending claims are now directed to statutory subject matter.

The Examiner rejected claims 1, 2, 6, 8 – 15, 19, 21 – 28, 32, and 34 – 39 under 35 U.S.C. 103(a) as being unpatentable over McElwrath (US 2004/0009462) in view of Fujino *et al.* (U.S. Patent No. 6,755,662).

In light of the Examiner’s rejections, Applicant has amended all independent claims to require:

“wherein the at least one of the plurality of questions is answered by a student providing a student-provided-keyword; and wherein a determination of whether the student correctly answered the at least one of the plurality of questions is determined at least in part by comparing the student-provided-keyword to at least one of the plurality of keywords.”

None of the cited art discloses a training course that includes a plurality of questions, a plurality of answers, and in addition to the plurality of answers, a plurality of keywords that form a part of the answers wherein at least one of the plurality of questions is answered by a student providing a student-provided-keyword and wherein a determination of whether the student correctly answered the at least one of the plurality of questions is determined at least in part by comparing the student-provided-keyword to at least one of the plurality of keywords. In particular, while Fujino *et al.* discloses a training course that includes a plurality of questions and a plurality of answers, Fujino *et al.* does not disclose (1) at least one of the plurality of questions being answered by a student providing a student-provided-keyword or (2) a determination of whether the student correctly answered at least one of the plurality of questions being determined at least in part by comparing a student-provided-keyword to at least one of the plurality of keywords. Instead, Fujino *et al.* discloses using keywords to search for FAQs.

Similarly, while other prior art, such as U.S. Patent No. 6,077,085 to Parry *et al.*, discloses a training course in which a student provides a student-provided-keyword, such prior art does not disclose a training course that determines if the student correctly answered a question by comparing the student-provided-keyword to a keyword that is stored in addition to an answer to the question.

In light of the above, Applicant believes that the amended independent claims are patentable over the prior art. Likewise, Applicant believes that the claims that depend from the amended independent claims are valid over the cited prior art.

CONCLUSION

It is submitted that the present application is presently in form for allowance. Such action is respectfully requested.

Respectfully submitted,

By Hoyt A. Fleming III
Hoyt A. Fleming III
Registration No. 41,752

Date: July 19, 2006

Address correspondence to: <input checked="" type="checkbox"/> <i>Customer Number or Bar Code Label</i> 28422	or <input type="checkbox"/> <i>Correspondence Address Below</i> Park, Vaughan & Fleming LLP P.O. Box 140678 Boise, ID 83714	Direct telephone calls to: Hoyt A. Fleming III (208) 336-5237
---	--	--